

**AMENDMENT IN THE NATURE OF
A SUBSTITUTE TO H.R. 851
OFFERED BY MR. TAUZIN OF LOUISIANA
[Tauzin-Dingell Substitute]**

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Save Our Satellites
3 Act of 1999”.

**4 SEC. 2. FEDERAL COMMUNICATIONS COMMISSION RULE-
5 MAKING REQUIRED.**

6 Title III of the Communications Act of 1934 is
7 amended by inserting after section 336 (47 U.S.C. 336)
8 the following new section:

**9 “SEC. 337. SIGNAL RECEPTION STANDARD FOR SATELLITE
10 HOME VIEWERS.**

11 “(a) ESTABLISHMENT OF SIGNAL RECEPTION
12 STANDARD FOR SATELLITE HOME VIEWER ACT RE-
13 QUIRED.—Within 180 days after the date of enactment
14 of this section, the Commission shall establish a signal re-
15 ception standard solely for the purposes of the Satellite
16 Home Viewer Act (17 U.S.C. 119). Such standard shall
17 be at a level sufficient to ensure that a household receiving

1 a signal of that intensity can receive an acceptable over-
2 the-air network station signal using a conventional rooftop
3 antenna. Such standard may be referred to as the ‘SHVA
4 Signal Reception Standard’.

5 “(b) ESTABLISHMENT OF IMPROVED PREDICTIVE
6 MODELS REQUIRED.—Within 180 days after the date of
7 enactment of this section, the Commission shall take all
8 actions necessary, including any reconsideration, to de-
9 velop and prescribe by rule a point-to-point predictive
10 model for reliably and presumptively determining the abil-
11 ity of individual households to receive signals in accord-
12 ance with the SHVA Signal Reception Standard. Such
13 model may be referred to as ‘SHVA Signal Reception
14 Model’, and the area encompassing households that are
15 predicted to have the ability to receive such a signal of
16 a particular broadcast station may be referred to as that
17 station’s ‘SHVA Model Area’.”.

18 **SEC. 3. MORATORIUM ON SATELLITE SERVICE DISRUP-**
19 **TION.**

20 (a) TREATMENT AS UNSERVED HOUSEHOLD.—Any
21 subscriber who on February 24, 1999, was receiving from
22 a satellite carrier for private home viewing secondary
23 transmissions of programming contained in a primary
24 transmission made by a network station shall, during the
25 period beginning February 24, 1999, and until the Fed-

1 eral Communications Commission completes the action re-
2 quired by section 337(b) of the Communications Act of
3 1934 (as added by section 2 of this Act) be treated as
4 residing in an unserved household for purposes of section
5 119 of title 17, United States Code.

6 (b) ESCROW OF SUBSCRIBER REVENUES.—

7 (1) ESCROW REQUIRED.—A satellite carrier
8 shall place in escrow, in an interest bearing account,
9 all revenues received from subscribers for the provi-
10 sion of secondary transmissions of programming
11 contained in a primary transmission made by a net-
12 work station during the period described in sub-
13 section (a), less any amounts required to be paid as
14 a licensing fee to copyright owners.

15 (2) DISTRIBUTION OF ESCROW ACCOUNT.—

16 After the completion of the period described in sub-
17 section (a), a satellite carrier shall—

18 (A) retain any revenues attributable to rev-
19 enues from subscribers who are treated as
20 unserved under subsection (a) and who are de-
21 termined to be residing in an unserved house-
22 hold using the SHVA Signal Reception Model
23 established for purposes of section 119 of title
24 17, United States Code, by the Federal Com-
25 munications Commission pursuant to section

1 337 of the Communications Act of 1934 (as
2 added by section 2 of this Act); and

3 (B) distribute any revenues attributable to
4 subscribers who are treated as unserved under
5 subsection (a) and who are determined not to
6 be residing in an unserved household using such
7 SHVA Signal Reception Model, together with
8 the interest thereon, among the television
9 broadcast stations within whose SHVA Model
10 Areas such subscribers reside.

11 (3) PRO RATA ALLOCATION.—In the case of any
12 subscriber who resides with the SHVA Model Areas
13 of more than one station, the revenues (and interest)
14 attributable to such subscriber shall be distributed
15 under paragraph (2)(B) equally among such sta-
16 tions.

17 (c) DEFINITIONS.—

18 (1) IN GENERAL.—The terms used in this sec-
19 tion have the meanings provided by section 119(d)
20 of title 17, United States Code.

21 (2) SHVA MODEL.—The terms “SHVA Signal
22 Reception Model” and “SHVA Model Area” have
23 the meanings provided such terms by section 337 of
24 the Communications Act of 1934, as added by sec-
25 tion 2 of this Act.

1 **SEC. 4. CONFORMING AMENDMENTS.**

2 Section 119 of title 17, United States Code, is
3 amended—

4 (1) in subsection (d)(10)(A), by striking “over-
5 the-air signal of grade B intensity (as defined by the
6 Federal Communications Commission)” and insert-
7 ing “a signal that meets or exceeds the SHVA Sig-
8 nal Reception Standard prescribed by the Federal
9 Communications Commission pursuant to section
10 337(a) of the Communications Act of 1934”; and

11 (4) in subsection (d)(11), by striking “predicted
12 Grade B contour as that contour is defined by the
13 Federal Communications Commission” and inserting
14 “SHVA Model Area as determined by the Federal
15 Communications Commission under section 337(b)
16 of the Communications Act of 1934”.